

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|--|---|--|
| TIMOTHY E. TRIMBLE |) | |
| |) | Civil Action No. 13-172 |
| Plaintiff, |) | |
| |) | |
| v. |) | U.S. District Judge Arthur J. Schwab |
| |) | Chief Magistrate Judge Lisa Pupo Lenihan |
| JACK SHAW, OCSE Official, DANIEL |) | |
| N. RICHARD, Director in personal |) | |
| capacity, other unknown officials in their |) | |
| personal capacity for the Commonwealth |) | |
| of Pennsylvania, JOSEPH SIGNORE, |) | |
| SUSAN LAMPING, JEFFREY |) | |
| DeSANZO, LOU PASQUELIN, JAN |) | |
| HOFFMAN, CAROLE COLLELLA and |) | |
| ATTORNEY URICK in personal |) | |
| capacity, other unknown officials in their |) | |
| personal capacity of Beaver County, Pa., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM ORDER

The Complaint in the above captioned case was received by the Clerk of Court and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (ECF No. 58), filed on December 11, 2013, recommended that the Motions to Dismiss (ECF Nos. 50 & 52) filed by Defendants be granted, as Plaintiff's Second Amended Complaint set forth causes of action which, on its face, still failed to state a cognizable claim under the claims alleged and were clearly time barred. It

further concluded that any opportunity to amend would be futile, as it did not appear, given the facts of record, that Plaintiff could make out any non-time-barred claim. The Report and Recommendation also recommended that, in accordance with the law regarding *sua sponte* dismissal of *in forma pauperis* and facially time-barred claims, the Court dismiss this action against the remaining Defendant, Jack Shaw.

Service was made on all counsel of record. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that they had fourteen (14) days to file any objections. An extension was requested and granted by text Order of December 16, 2013. Objections were filed to the Report and Recommendation by Plaintiff on January 15, 2014 (ECF No. 63); neither Objections nor Response were filed by any Defendant. The time for any further filing has expired.

Accordingly, after review of the pleadings and documents in the case, including the Report and Recommendation and Plaintiff's Objections thereto, the following Order is entered:

AND NOW, this 30th day of ^{JAN}~~February~~, 2014,

IT IS HEREBY ORDERED that the Motions to Dismiss (ECF Nos. 50 & 52) filed by Defendants are **GRANTED**.

IT IS FURTHER ORDERED that for reasons set forth in the Report and Recommendation, the remaining Defendant, Jack Shaw, be dismissed *sua sponte*.

IT IS FURTHER ORDERED that the December 11, 2013 Report and Recommendation (ECF No. 58) of Chief Magistrate Judge Lenihan is adopted as the Opinion of the Court.

AND IT IS FURTHER ORDERED that the Clerk of Court is directed to mark this case closed.



Arthur J. Schwab
United States District Judge

cc: All Counsel of Record
Via Electronic Mail